

COMMITTEE STATEMENT

LB 816

HEARING DATE: 2/22/99

COMMITTEE ON: Education

TITLE: (Bohlke) Change the statewide comprehensive plan for postsecondary education

ROLL CALL VOTE – FINAL COMMITTEE ACTION

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

7	Yes	Senators Price, Wickersham, Suttle, Stuhr, Raikes, Bohlke, Coordsen
0	No	
0	Present, not voting	
1	Absent	Senator Brashear

PROPONENTS

Senator Ardyce Bohlke
L. Dennis Smith (amended version AM0352)
Ron Withem (amended version AM0352)
Carrol Krause (amended version AM0352)
Jack Huck (amended version AM0352)

REPRESENTING

Introducer
University of Nebraska Central Administration
University of Nebraska Central Administration
Board of Trustees Nebraska State College System
Community Colleges Association

OPPONENTS

David Powers (amended version AM0352)

REPRESENTING

Coordinating Commission for Postsecondary ED

NEUTRAL

Thomas O'Neill

REPRESENTING

Independent Colleges and Universities Association

SUMMARY OF PURPOSE AND/OR CHANGES:

Legislative Bill 816 requires a new comprehensive statewide plan for postsecondary education and removes compliance with the plan as a purpose for reviewing programs and construction projects or modifying budget requests.

Section 85-1413 is amended by discontinuing the comprehensive statewide plan in effect on January 1, 2000 and requiring the Commission to work with the University, state colleges, and community colleges to develop of a new plan. The new plan will focus on

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constitutional responsibilities of the Commission and avoid infringing on governance responsibilities of the institutions. The planning process is modified by replacing the purpose of achieving the best possible use of available state resources with the purpose of preventing unnecessary duplication. Telecommunications are removed from the elements of provisions and policies that must be included in the plan.

Section 85-1414 is amended by removing compliance and consistency with the comprehensive statewide plan as purpose of the review, monitoring, and approval process for programs and proposed capital construction. The remaining purpose is to prevent unnecessary duplication.

Section 85-1416 is amended by removing compliance and consistency with the comprehensive statewide plan as purpose for modifying budget requests of the governing boards. The remaining purpose is to prevent unnecessary duplication.

EXPLANATION OF AMENDMENTS, IF ANY:

The committee amendments replace the original provisions and modify statutes affecting the Coordinating Commission for Postsecondary Education. The major changes include:

- a. A requirement that the Commission revise the comprehensive statewide plan and present it to the Education Committee;
- b. New provisions in section 9, which allow institutions to respond to requests from the Commission by referring the Commission to the exact location of the information in reports to other state agencies that have been previously filed with the Commission;
- c. Several instances where the requirements or duties of the Commission are clarified as being limited to the coordination function of the Commission;
- d. A definition for the coordination function using the language from the Constitution;
- e. Replacement of the Commission's general authority to develop programs, activities, or functions with a prohibition against programs, information requests, and institution requirements not authorized by the Constitution or the Coordinating Commission for Postsecondary Education Act;
- f. Changing the guidelines for admissions, enrollment, and tuition into recommendations;
- g. Modifying the economic development provisions to create work force development provisions;
- h. An increase in the threshold for revenue bond construction projects requiring review by the Commission; and
- i. More restrictive timelines for program approval and disapproval.

Section 85-408 is amended by increasing the threshold for expenditures requiring Commission review from \$100,000 to \$250,000 for revenue bond construction projects.

Section 85-1401 is amended by adding the new provisions in section 9 to the Coordinating Commission for Postsecondary Education Act.

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Section 85-1402 is amended by defining coordination using the language from Article VII, section 14 of the Constitution of Nebraska.

Section 85-1410 is amended by replacing the Commission's general authority to develop programs, activities, or functions the Commission deems necessary with a prohibition against developing programs, requesting information, or directing public institutions to undertake any action unless authorized by Article VII, section 14, of the Constitution of Nebraska or the Coordinating Commission for Postsecondary Education Act.

Section 85-1412 is amended by limiting surveys, studies, and advisory committees of the Commission to those necessary to undertake the coordination function of the Commission. Institutions will be allowed to comply with requests for information pursuant to this section using the new provisions in section 9. A provision allowing the allocation of state incentive funds is eliminated. No such funds have ever been appropriated.

Section 85-1413 is amended in several places.

Beginning on the effective date of the act, the Commission shall work in consultation with the governing boards to revise the existing comprehensive statewide plan to reflect the role and mission of public postsecondary educational institutions and to articulate statewide goals. The revision shall be completed by January 1, 2001, if practicable. Also, the statewide plan will be required to define the role and mission of each public postsecondary institution, rather than including role and mission statements.

The planning process is clarified to assure that efforts to achieve the best possible use of available state resources are within the coordination function of the Commission. The process shall also take into consideration the needs of the state based on general assignments of role and mission and plans for facilities which utilize tax funds.

The requirement for the Commission to develop guidelines is modified to require the Commission to recommend guidelines for admissions, enrollment, and tuition rates and fees. Guidelines will also be recommended, not required, to place the primary emphasis on remedial programs at the community college level and to reduce the role of the University in offering remedial programs.

The geographic and programmatic service areas shall be designated in consultation with the governing boards, rather than being defined after consultation with the governing boards.

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The provisions regarding peer groups are streamlined, without changing the meaning.

The telecommunications provisions are modified to address effective, rather than appropriate, use of telecommunications. Information technologies are added to the telecommunications provisions.

The economic development provisions are modified to address workforce development. The requirement is eliminated to work in cooperation with businesses, governing boards, and the Department of Economic Development, to assist in the development of strategies and plans for involvement of postsecondary education in the economic development of the state. Provisions remain that require the Commission to explore methods to improve the competitive quality of the work force and to encourage communication and partnerships between institutions and business and industry.

The requirement to develop a unified statewide facilities plan is modified to require the plan to be developed in consultation with the governing boards or their designated representative, rather than with the assistance of the public institutions.

A new subsection requires the Education Committee of the Legislature to review the revised comprehensive statewide plan at a public hearing and report its findings to the Legislature prior to March 15 of the year following the required revision and any subsequent revisions.

Section 84-1414 is amended in several places.

Institutions may comply with requests for information during the program review, monitoring, and approval process using the new provisions in section 9.

The commission will have 90 days, rather than 120 days, to disapprove a program. The commission will have 120 days, instead of 6 months, to report recommendations for or against amendments to the role and mission statutes necessary for approval of the program. After showing good cause, the timeline may be extended 90 days, rather than an additional 6 months. A provision is removed deeming disapproval of the program and opposition to the amendments to the role and mission statutes if a report or extension is not filed with the Legislature in a timely manner. A provision is removed, which allowed the Commission to rescind program approval that had been conditioned on a change in the role and mission statutes by the Legislature.

New language requires the Commission to establish a program review process in consultation with the governing boards or their designated representatives.

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The governing boards, rather than the Commission, will be determining when all students in a disapproved program have had a reasonable opportunity to complete the program.

The criteria for program review, monitoring, and approval or disapproval includes evidence of need and demand. Current language is eliminated specifying that the evidence include quantifiable data or qualitative information or both.

The requirement for institutions to submit facilities plans is clarified by submission of requiring the most recent plan. A new provision requires the Commission to provide a written report of its review of the facilities plan to the governing board within 90 days. Recommendations for modifications must be in accordance with the coordination function of the Commission.

Clarification is added requiring the review, monitoring, and approval or disapproval of capital construction projects to be within the coordination function of the Commission. The same clarification is added for the requirement to consider the educational programs and facilities of both public and independent institutions for program and project approval activities.

Section 85-1416 is amended by clarifying that the budget review process shall be in accordance with the coordination function of the Commission. Currently, institutions may provide supporting information at the request of the Commission or identify major components necessary to determine compliance with the statewide plan and the existence of any unnecessary duplication. That provision is modified to allow the Commission to request supporting information and by deleting the authorization for institutions to identify the major components. Institutions will be allowed to comply with the requests using the new provisions in section 9.

Section 9 is a new section that allows institutions to file a copy of any report filed with any other state agency with the Commission in either an electronic format or a paper copy. The institution may then respond to any requests for information by providing the Commission with the exact location of the information within a report that has been filed.

Section 85-1423 is amended by requiring the Commission to consult with the governing boards or their designated representatives when carrying out their duties in maintaining a comprehensive state-level public postsecondary education information system.

Senator Ardyce Bohlke, Chair
Committee on Education